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FM AMEMBASSY MADRID
TO RUEHC/SECSTATE WASHDC 0620
INFO RUEHDM/AMEMBASSY DAMASCUS 0362
RUEHLA/AMCONSUL BARCELONA 3975
RUCPDO/DEPT OF COMMERCE WASHDC

UNCLAS MADRID 000462

SENSITIVE
SIPDIS

STATE FOR NEA/ELA A.MONZ, AND EUR/WE S.ZERDECKI/E.SAMSON
DEPARTMENT ALSO FOR EEB/ESC/TFS C.BACKEMEYER
COMMERCE FOR BIS:T.CHRISTINO,J.SONDERMAN,J.JEST

E.O. 12958: N/A
TAGS: [EAIR](#) [ETRD](#) [ETTC](#) [PGOV](#) [PREL](#) [SP](#) [SY](#)
SUBJECT: TEMPORARY DENIAL ORDER ON ORION AIR - INFORMING
COMPANY AND GOS

REF: A. SONDERMAN-MONZ ET.AL. EMAIL 5/12

- [1](#)B. SECSTATE 47933
- [1](#)C. MADRID 439
- [1](#)D. MONZ-DUDLEY EMAIL 5/4
- [1](#)E. MADRID 413
- [1](#)F. SECSTATE 41098

1.(SBU) Upon receipt of reftel B on 5/12, Econcouns informed Orion Air Director General Arancha Merino of the Temporary Denial Order (TDO). After receiving the text of the TDO, Econcouns delivered a copy to Merino later on 5/12 and asked that Orion return from Syria the plane that had been delivered and not deliver the second plane. Merino thanked us for the copy of the TDO and other information and said someone from the company would contact the two USDOC/BIS points of contact provided in ref A email. She spoke at length about the company's likely bankruptcy if it returned the first plane from Syria or did not deliver the second one and asked if U.S. sanctions would still be in effect if the company removed the U.S.-origin engines to bring the planes below the 10% de minimus level. Econcouns referred her to the USDOC/BIS points of contact and emphasized that the company had been aware of Export Administration Regulations and possible penalties before the company had sent the first plane to Syria.

2.(SBU) While expressing distress about the TDO, Merino said she did not see any option for the company but to deliver the second plane to Syria, and she said a Spanish official had told her she would not be violating Spanish law. She added that the documents for Orion's lease of the airplanes from an Australian company a few years ago said nothing about needing licenses to transfer the planes to another country. She also said Orion had operated the planes in other countries (such as Mali) for months at a time in the past.

3.(SBU) Econcouns spoke with Foreign Ministry Deputy Director General for North America Fernando Prieto to inform him of the TDO on 5/12. Prieto referred us to Deputy Director General for Economic Relations with OECD Countries Jose Luis Rodriguez de Colmenares. After being unable to contact Rodriguez de Colmenares, on 5/13 econoff emailed Rodriguez de Colmenares and Prieto copies of the TDO and of our request for actions to stop delivery of the second plane. Prieto promised to follow up and get back to us. We will continue to follow up and will inform Department upon receipt of a response.

CHACON